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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,945	10/25/2001	David K. Platner	60130-1220/01MMRA0210-CIP	4965

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EXAMINER	
NGUYEN, TRINH T	
ART UNIT	**PAPER NUMBER**
3644	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/056,945	PLATNER, DAVID K.	
	Examiner	Art Unit	
	Trinh T. Nguyen	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendment dated 3/6/06*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 19-24* is/are pending in the application.

4a) Of the above claim(s) *2,3 and 6* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,5 and 19-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/13/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1,21, and 23 are rejected under 35 U.S.C. 102(a) as being anticipated by Moses (US 6122948).

Moses discloses that it is old and well known to form an axle assembly comprising the steps of:

providing a cylindrical hollow member having an end portion;

forming the end portion to provide a first generally circular end in cross-section;

forming a section of the cylindrical hollow member into a polygonal cross-section; and

welding a preformed kingpin boss to the generally circular end.

For claim 21, Moses further discloses the polygonal cross-section into a substantially rectangular cross-section.

For claim 23, Moses further discloses the step d) is performed subsequent to the step c).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 22 is rejected under 35 U.S.C. 102(a) as being anticipated by Moses (US 6122948).

As described above, Moses discloses most of the claimed invention except for mentioning a height to width ratio of approximately 1.2. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Moses' method so as to include a height to width ratio of approximately 1.2, since it has been held that where routine testing and general experimental conditions are present, discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Also, since applicant did not provide a reason and/or showing any criticality as to why the height to width ratio has to be in a specific value of approximately 1.2 (see page 3 of the specification, Applicant only stated that "Preferably, a substantially rectangular cross-section having a height to width ratio of approximately 1.2..."), it is believe that through trial and error during the testing procedure that one comes up with a desirable height to width ratio to meet the design criteria for forming an axle assembly.

5. Claims 4,5,19,20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moses (US 6122948) in view of Dickson, Jr. (US 6247346).

For claims 4 and 5, as described above, Moses discloses most of the claimed invention except for mentioning the step of swaging a hollow tubular member into a desirable shape and/or form. Dickson, Jr. teaches a similar method of forming an axle

assembly wherein Dickson, Jr. discloses that it is old and well known to form a tubular member into a desirable shape and/or form by cold drawn or cold finished the tubular member (i.e., swaging). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method of Moses so as to include forming a hollow tubular member into a desirable shape and/or form by swaging, in a similar manner as taught in Dickson, Jr., since swaging is a notoriously old and well known technique used throughout the art of metal working/forming. With respect to the limitation that the step of swaging is performed subsequent to the step of c) or after the step a), it is noted that whether these steps are performed in a particular order is a matter of design choice wherein no stated problem is solved, or any new or unexpected result achieved by performing these steps in the order as claimed versus the order taught by the prior art, and it appears that the invention would performed equally well with the steps conducted in any particular order.

For claims 19,20, and 24, as described above, Moses discloses most of the claimed invention except for mentioning a multi-wall thickness section. Dickson, Jr. teaches a similar method of forming an axle assembly wherein Dickson, Jr. discloses that it is old and well known to form a cylindrical hollow member into a multi-wall thickness section (see lines 33-65 of col. 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method of Moses so as to include forming a cylindrical hollow member into a multi-wall thickness section, in a similar manner as taught in Dickson, Jr., since to do so would

provide a cylindrical hollow member having different strength along the length due to multi-wall thickness section for the benefits thereof.

Response to Arguments

6. Applicant's arguments with respect to claims 1,4,5, and 19-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

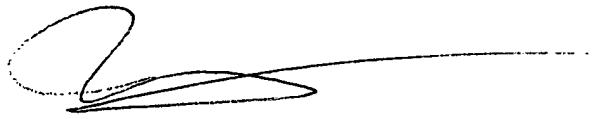
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T. Nguyen whose telephone number is (571) 272-6906. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on (571) 272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trinh T Nguyen
Primary Examiner
Art Unit 3644

03/27/06